

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

MAERTENS, et al.

Atty. Ref.: 2551-108; Confirmation No. 4881

Appl. No. 09/851,138

TC/A.U. 1648

Filed: May 9, 2001

Examiner: Li

For: SEQUENCES OF HEPATITIS C VIRUS GENOTYPES AND THEIR USE AS
PROPHYLACTIC, THERAPEUTIC AND DIAGNOSTIC AGENTS

* * * * *

May 12, 2005

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**VIA FACSIMILE**
(703) 872-9306

Sir:

FOURTH AMENDMENT UNDER RULE 116

Responsive to the Office Action dated January 11, 2005, entry and consideration of the following amendments and remarks are requested.

A fee for consideration and entry of this Amendment should not be required as the applicants responded to the final Office Action of January 11, 2005 within two months of the mailing date (i.e., on February 9, 2005) of the final Office Action and an Advisory Action has not been mailed, it now being after the three month shortened statutory period from the mailing of the final Office Action, such that the shortened statutory period has still not expired. See, page 3 of the Office Action dated January 11, 2005.

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MAERTENS, et al.
Appl. No. 09/851,138
May 12, 2005

A first Amendment Under Rule 116 responsive to the Office Action of January 11, 2005 was filed February 9, 2005. The undersigned has not received a response from the Examiner as to whether the Amendment filed February 9, 2005 has been entered. An Advisory Action in response to the Amendment of February 9, 2005 has not been received.

The undersigned has spoken with the Examiner on March 30, 2005 and received subsequent telephone messages from the Examiner on March 30, 2005, indicating that the previously-withdrawn Section 102 rejection of claims 63, 64 and 65 over van Doorn (J. Hepatology July 1994, vol. 21(1), pp 122-129) would be made again in a new Office Action which reopened prosecution, and invited the applicants to amend the indicated claims to further distinguish over the cited reference. A Second Amendment Under Rule 116 was filed April 1, 2005, in response.

The Examiner contacted the undersigned on April 12, 2005, indicating that the Second Amendment Under Rule 116 would not be entered and the Examiner suggested the further amendments to claims 63 and 65 which were presented in the Third Amendment Under Rule 116 filed April 18, 2005, to overcome the van Doorn reference. The amendments were made to advance prosecution and without prejudice. The applicants have not received an Advisory Action in response to the Third Amendment Under Rule 116 filed April 18, 2005.

The undersigned was again contacted by the Examiner on May 10, 2005, wherein the Examiner requested the further amendments made herein in response to concerns from an un-named "Quality Review person". The Amendments of February 9,

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MAERTENS, et al.
Appl. No. 09/851,138
May 12, 2005

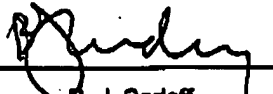
2005 and April 18, 2005 are repeated herein as the Examiner has not indicated the status of the previously-filed Amendments.

Entry of the present Amendment and allowance of the application are requested.

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MAY 12 2005

Nixon & Vanderhye PC.
ATTORNEYS AT LAW8TH FLOOR
1100 NORTH GLEBE ROAD
ARLINGTON, VIRGINIA 22201-4714TELEPHONE: (703) 816-4000
FACSIMILE: (703) 816-4100
WRITER'S DIRECT DIAL NUMBER:
(703) 816-4091**FACSIMILE COVER SHEET**
PLEASE DELIVER IMMEDIATELY!!!!Our Ref.: 2551-106
Your Ref.: Appln No. 09/851,138 Date: May 12, 2005To: Examiner Li
Firm: USPTO - Group 1648
Facsimile No.: Facsimile No.: 7038729306 (Examiner's Fax No.: 5712730904)
From: B. J. SadoffNumber of Pages (including cover sheet): 11
(IF YOU DO NOT RECEIVE ALL OF THE PAGES OR ENCOUNTER DIFFICULTIES IN TRANSMISSION,
PLEASE CONTACT US IMMEDIATELY AT (703-816-4000).)**CERTIFICATION OF FACSIMILE TRANSMISSION**I hereby certify that this paper and any noted attachments are being facsimile transmitted to the Patent and
Trademark Office on April 18, 2005.
B. J. Sadoff
Reg. No. 36883**FOURTH AMENDMENT RULE 116
EXPEDITED HANDLING PROCEDURES**ATTACHMENT/S: FOURTH Amendment Under Rule 116, 2 cvr sheets with charge authorization
(separate Courtesy Copy forwarded to Examiner by facsimile to 5712730904).

A fee for consideration and entry of this Amendment should not be required as the applicants responded to the final
Office Action of January 11, 2005 within two months of the mailing date (i.e., on February 9, 2005) of the final Office Action
and an Advisory Action has not been mailed, it now being after the three month shortened statutory period from the mailing of
the final Office Action, such that the shortened statutory period has still not expired. See, page 3 of the Office Action dated
January 11, 2005.

In re Patent Application of MAERTENS, et al. Atty. Ref.: 2551-106			
Serial No.	09/851,138	Group:	1648
Filed:	May 9, 2001	Examiner:	LI
For:	SEQUENCES OF HEPATITIS C VIRUS GENOTYPES AND THEIR USE AS PROPHYLACTIC, THERAPEUTIC AND DIAGNOSTIC AGENTS		

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RESPONSE UNDER RULE 116
EXPEDITED HANDLING PROCEDURES**

In re Patent Application of

Atty Dkt. 2551-108

C# M#

MAERTENS, et al.

TC/AU.

1848

Serial No. 09/851,138

Examiner: LI

Filed: May 9, 2001

Date: May 12, 2005

Title: SEQUENCES OF HEPATITIS C VIRUS GENOTYPES AND THEIR USE AS
PROPHYLACTIC, THERAPEUTIC AND DIAGNOSTIC AGENTS**VIA FACSIMILE**
(703) 872-9306

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

AMENDMENT

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.**

Fees are attached as calculated below:

Total effective claims after amendment	0	minus highest number	
previously paid for	20	(at least 20) =	0 x \$50.00
			\$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment	0	minus highest number	
previously paid for	3	(at least 3) =	0 x \$200.00
			\$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add
\$380.00 (1051)/\$180.00 (2051) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this

paper and attachment(s)

One Month Extension	\$120.00 (1251)/\$80.00 (2251)
Two Month Extensions	\$450.00 (1252)/\$225.00 (2252)
Three Month Extensions	\$1020.00 (1253)/\$510.00 (2253)
Four Month Extensions	\$1590.00 (1254)/\$795.00 (2254) \$

Terminal disclaimer enclosed, add

\$190.00 (1814)/\$85.00 (2814) \$

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee

\$180.00 (1806) \$

Assignment Recording Fee

\$40.00 (8021) \$

Other:

\$

TOTAL FEE ENCLOSED \$ 0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8th Floor
Arlington, Virginia 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
BJS:

NIXON & VANDERHYE P.C.

By Atty: B. J. Sadoff, Reg. No. 38,683

Signature: 

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RESPONSE UNDER RULE 116
EXPEDITED HANDLING PROCEDURES**

In re Patent Application of

Atty Dkt. 2551-108

C# M#

MAERTENS, et al.

TC/A.U.

1848

**VIA FACSIMILE
(703) 872-9306**

Serial No. 09/851,138

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Three Month Extensions	\$1020.00 (1253)/\$510.00 (2253)
Four Month Extensions	\$1590.00 (1254)/\$795.00 (2254) \$

Terminal disclaimer enclosed, add
\$130.00 (1814)/\$65.00 (2814) \$

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 58 Information Disclosure Statement Filing Fee
\$180.00 (1808) \$

Assignment Recording Fee
\$40.00 (8021) \$

Other:
\$

TOTAL FEE ENCLOSED \$ 0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8th Floor
Arlington, Virginia 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
BJS:NIXON & VANDERHYE P.C.
By Atty: B. J. Sadoff, Reg. No. 36,663Signature: 

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